

Michael Sharp
281 354 7677 - Office
Cell 832 5273530
Fax 281 354 3388

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Technology Center 2100

To: **Andrea Smith**

Fax: **571 273 8300**

From: **Michael Sharp**

Date: **11/14/2005**

Re: **Patent Serial - 09/765,985**

Pages: **16**

Cc:

☒ Urgent

☐ For review

☐ Please comment

☐ Please reply

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UNITED STATES
PATENT AND
TRADEMARK OFFICECommissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/765,985	01/19/2001	Michael A. Sharp	65-1

CONFIRMATION NO. 1204

ABANDONMENT/TERMINATION
LETTER

OC00000009708544

Martin L. McGregor
McGregor & Associates
26415 Oak Ridge Drive
Spring, TX 77380

Date Mailed: 03/26/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/15/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

STATEMENT OF UNINTENTIONAL DELAY

November 14, 2005

My name is Michael Sharp this my statement that the delay was unintentional and I am the inventor of a set of business methods and a platform for embedding audio ads in computer files in real time as a consumer requests a song or audio for download or stream. My serial number is 09/765,985 with a filing receipt date of 01/19/2001

I am requesting that my patent application be revised as it was unintentionally abandoned

I originally invented the application service as a business method with toolsets that would allow multimedia content creators to create revenue streams for their content and be paid by advertisers each time there audio or video was played and or downloaded by Internet or network consumers.

During the process of time since I started this service in 2000 I had millions of sponsored audio downloads, downloaded over the internet by consumers, sponsored by advertisers and paid out large of sums of money to the content suppliers.

Each time a consumer would download a file she would hear an audio ad that said brought to you by an audio sponsor the platform system tracked stats and paid content creators while charging the sponsors and all the while allowing both to review their stats and royalties in real time in their online admins.

I originally filed for a provisional for the business method and platform in January 2000.

In January of 2001 I hired Martin McGregor as my patent attorney to file the full blown patent.

Mr McGregor was paid to file the patent for me in January 2001 and did so on January 19, 2001.

For the next 3 years I was in close contact with Mr. McGregor and asked him on many occasion in front of my business associate Kent Lovelace Jr. for news on the patent he had and if he had heard from the patent office. In all of the inquires we were told that the patent office was overburdened with their workload and that it would take a long time (many years) to get an examiner to review my patent application.

About a year ago I had a bit of a falling out with Mr. McGregor and lost some confidence in him and his work ethic. I did not however expect that anything might be wrong or that I should be concerned that he had not followed up on his duty to let me know the status of the patent application.

Recently I decided to take it on myself to try and find out the status with the patent application.

I went to the U.S.P.T.O.'s web sight where I found a contact number for Mrs. Durham. She was able to locate my serial number and informed me that my patent had been abandoned by Mr. McGregor.

I was shocked to the core and am still in a state of total dismay that the patent had been abandoned. My heart was absolutely broken as I had worked very hard to do all that I could to see that this patent application would become a real patent.

I was informed by Mrs. Durham that indeed he had abandoned the patent and that he was sent out a notice asking for some modification to be done to the drawings.

She said that the request had been made in March of 2001 and that because he did not respond to the request and had not followed up my patent had been abandoned. This all the while as he reported to Kent and I that there was no news from the patent office for the next several years on repeated occasion.

I have no idea why Mr. McGregor never followed up with your office or why he would have abandoned my patent and then alleged that your office never had made any contact with him or even why he never contacted you it would seem to get a status report.

However I do know that it was never my intent to abandon the patent and I am pleading with you that you please revise based on these extenuating circumstances that have not allowed me to have the opportunity to have a fair examination of my invention and Internet business method.

I am including in this fax a copy of the check Mr. Lovelace and I paid to retain Mr. McGregor and file and follow up on the audio ad embed patent.

Very Kind Regards
Michael Sharp
PO Box 101
Porter Tx
77365
281 354 7677
832.527.3530
michael@cebridge.net

Here's an article link on the internet that goes into great detail with regard to my audio ad invention and mentions me in the New York Times online November 12, 1999

<http://www.nytimes.com/library/tech/99/11/cyber/articles/16music.html>

Additional Evidence of Unintentional Delay for Patent Serial Number 09/765,985

- Invoice from Martin McGregor patent attorney
- Copy of check and wire transfer that paid for patent services

11/10/2005 13:15 2288677077

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McGregor & Associates

Specializing in Intellectual Property

26415 Oak Ridge
Spring, Texas 77380
281-296-6777
fax: 281-296-6481
mcgregor@pdq.net

January 22, 2001

Invoice submitted to:

Kent Lovelace
For the Fees of Michael A. Sharp
23589 White Oak Forest Dr.
Porter TX 77365

Invoice # 10233

Professional services

		<u>Hours</u>	
01/18/01	Convert provisional to regular patent application. Telephone conference with inventor and Kent Lovelace. Study fax of provisional application and drawings. Draft patent application and claims. Discuss with inventor.	6.80	
01/19/01	Continue work on patent application finalize U. S. filing. Prepare PCT Application, Request and related papers. Convert U.S. application to PCT format and revise application to PCT requirements. Prepare designation, Power of attorney and Draft assignment document.	5.10	
			<u>Amount:</u>
	For professional services rendered	11.90	\$2,082.50
	Additional charges:		
		<u>Qty</u>	
01/19/01	Charges by the U.S. Patent and Trademark Office For Filing a regular U.S. patent application MP3 with Ads	1	355.00

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Kent Lovelace

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	<u>Qty</u>	<u>Amount</u>
01/19/01 Charges by the U.S. Patent and Trademark Office For Filing an International Patent application under the Patent Cooperation Treaty MP3 with Ads	1	1,758.00
Total costs		\$2,113.00
Total amount of this bill		\$4,195.50

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26415 Oak Ridge, Spring, TX 77380
281-296-6777; Fax 281-296-6481;
e-mail mcgregor@pdq.net

McGregor & Associates

To: Kent Lovelace From: mjm
Fax: 1-228-868-6721 Pages: 8
Phone: 1-228-868-6539 Date: 01/22/01
Re: Sharp Applications CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Wire Transfer information: Enclosed invoice Amount \$4,195.50

To be wire transferred to: Wells Fargo

ABA Bank Routing Number: 111900659

To the Account of McGregor & Adler LLP, Account Number: 0745767681

Bank Street Address: 1442 Spring Cypress Rd.

Spring Texas 77373

Bank Officer: Hope Boyd 281-353-5401

Fax: 281-355-2334

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CUSTOMER CONFIRMATION
WIRE NUMBER: 111810

THE PEOPLES BANK
 INVESTMENT/WIRE DEPT
 BLDG 1MS 3053

DATE: 11/18/05
 TIME: 13:15
 FROM: 111810 (10000)
 TO: 111810 (10000)
 AMOUNT: \$1,181.00
 RATE: 1.0000
 TOTAL: \$1,181.00

WE CHARGE YOUR ACCOUNT AS FOLLOWS:
 WIRE FEE \$ 10.00
 TRANSFER FEE \$ 205.50
 TOTAL \$ 215.50

NY N.Y.

CUSTOMER CONFIRMATION
WIRE NUMBER: 111811

THE PEOPLES BANK
 INVESTMENT/WIRE DEPT
 BLDG 1MS 3053

DATE: 11/18/05
 TIME: 13:15
 FROM: 111811 (10000)
 TO: 111811 (10000)
 AMOUNT: \$1,181.00
 RATE: 1.0000
 TOTAL: \$1,181.00

WE CHARGE YOUR ACCOUNT AS FOLLOWS:
 WIRE FEE \$ 10.00
 TRANSFER FEE \$ 205.50
 TOTAL \$ 215.50

NY N.Y.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20230
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/765,985	01/19/2001	Michael A. Sharp	65-1

CONFIRMATION NO. 1204

FORMALITIES LETTER



OC00000006078717

Martin L. McGregor
McGregor & Associates
26415 Oak Ridge Drive
Spring, TX 77380

Date Mailed: 05/15/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

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PART 1 - ATTORNEY/APPLICANT COPY